

PUBLIC CHAPTER NO. 353**HOUSE BILL NO. 1167****By Representatives Sontany, Briley, Moore, Maggart, Campfield****Substituted for: Senate Bill No. 1336****By Senators Haynes, Marrero, Black**

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1, Part 1, relative to the offense of contributing to the delinquency of a minor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-156, is amended by adding the following new subsection:

(c)

(1) If a child is found delinquent a second or subsequent time for conduct which constitutes the offense of vandalism under § 39-14-408, and the property vandalized is owned, operated, maintained or used by a governmental or other public entity, the parent or legal guardian of that child is in violation of this section.

(2) It is a defense to a violation of this subsection (c) if the parent or guardian demonstrates to the court that all reasonable means available were taken to prevent the child from engaging in the prohibited conduct.

(3) In lieu of the punishment proscribed in subsection (a), if the court finds that the parent or guardian of the delinquent child is in violation of this subsection (c), it may order the parent or guardian to repair, repaint, clean, refurbish or replace the property damaged as a result of the vandalism. If the damage does not lend itself to repair or cleaning, or if there is a legitimate reason why the parent or guardian is unable to do so, the court, in its discretion, may allow the parent or guardian to pay to have the damage repaired or replaced. If the parent or guardian is indigent and cannot afford to replace the damaged property, the court shall order the indigent parent or guardian to perform other community serve work for which they are better suited.

(4) A violation of this subsection (c) may be heard and determined by the juvenile court.

(5) As a dispositional option for the delinquent act of vandalism, the court may also require the child responsible for the

vandalism to assist in the repair or cleaning of the damage along with the child's parent or guardian.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 17, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 5th day of June 2007



PHIL BREDESEN, GOVERNOR